

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-1276

KIMBERLY STROUD,

Plaintiff - Appellant,

v.

MECKLENBURG COUNTY SHERIFF'S OFFICE; NICOLE HAILEY, Sergeant,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Senior District Judge. (3:17-cv-00204-GCM)

Submitted: June 21, 2018

Decided: June 25, 2018

Before DIAZ and HARRIS, Circuit Judges, and SHEDD, Senior Circuit Judge.

Affirmed as modified by unpublished per curiam opinion.

Kimberly Stroud, Appellant Pro Se. Sean Francis Perrin, WOMBLE BOND DICKINSON (US) LLP, Charlotte, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kimberly Stroud appeals the district court's order dismissing her complaint. She contends that the district court should have allowed her leave to amend her complaint to add Mecklenburg County as a defendant. However, Stroud did not ask for leave to amend in the district court, and we do not consider issues raised for the first time on appeal. *See In re Under Seal*, 749 F.3d 276, 285 (4th Cir. 2014). Because Stroud's informal brief does not otherwise challenge the basis for the district court's disposition, Stroud has forfeited appellate review of the court's order. *See Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) ("The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief."). We note, however, that because the district court dismissed Stroud's claim against Defendant Nicole Hailey for lack of subject-matter jurisdiction, the dismissal of this claim should have been without prejudice. *See S. Walk at Broadlands Homeowner's Ass'n v. OpenBand at Broadlands, LLC*, 713 F.3d 175, 185 (4th Cir. 2013). We thus modify the judgment to reflect that the dismissal of the claim against Hailey is without prejudice.

Accordingly, we affirm as modified the judgment of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED AS MODIFIED